

REMARKS/ARGUMENTS

Various claims are being amended as shown above. No new matter and no new issues are being added by the amendment to the claims.

In the final office action, claims 1-36 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection.

In response to the rejection, the term "will assign" is being amended to "assigns" as interpreted by the Examiner for examination purposes. Accordingly, claims 1-30 particularly point out and distinctly claim the subject matter which Applicants regard as the invention. For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

In the final office action, claims 1-36 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Felger (U.S. 7,013,001 B1) in view of Lawrence, et al. (U.S. Pat. App. Pub. No. 2002/0138371 A1). Applicant respectfully traverses the rejection.

Felger is directed to a system for billing a call session between a caller and a service provider, where a caller's call session will be blocked or not blocked by comparing the caller information with a negative database information and with other call limiting criteria such as AVS verification, fund limit authorization, and credit card

data verification. Felger also discloses blocking, temporarily, or limiting a purchase request.

The Examiner correctly admits in the office action that Felger does not disclose wherein the outsort rule assigns to the order a risk factor that determines a set of information to verify for the order. In an attempt to overcome the deficiencies of Felger, the Examiner relies on Lawrence in an attempt to show various features.

Lawrence is directed to a system 102 (Figure 1) that generates a risk quotient 108 in response to (or based upon) the information that is input into the system 102 (Lawrence, paragraphs 0043 and 0047-0048). The risk quotient 108 indicates a level of risk associated with a particular account (Lawrence, paragraph 0023). The system 102 then provides a suggested action that is responsive to the risk quotient 108, and these actions involve discontinuing the transaction, blocking access to the online marketplace 101, or notifying authorities (Lawrence, paragraph 0035). However, Lawrence does not disclose and does not suggest a method where an outsort rule assigns to the order a risk factor, and Lawrence does not disclose and does not suggest a method where the risk factor determines a set of information to verify for the order, as substantially recited in claims 1, 18, 35, and 36. In contrast, Lawrence instead discloses a system that provides only the above-mentioned suggestions on actions to be taken (e.g., discontinuing the transaction) based upon the risk quotient, and Lawrence does not specifically provide a risk factor that determines a set of information to verify for the order. In other words, Lawrence's step of suggesting

actions to be taken based upon the risk quotient (e.g., suggested action of discontinuing the transaction) is not the same as the claimed feature of a risk factor that determines a set of information to verify for the order. Accordingly, claims 1, 18, 35, and 36 are each patentable over the combination of Felger and Lawrence.

Furthermore, it would not have been obvious to combine Felger and Lawrence as suggested in the office action because Felger teaches away from the features that are disclosed in Lawrence and because Felger also teaches away from the features recited in claims 1, 18, 35, and 36. For example, Felger discloses in his steps 1009-1010 (Figure 10B) that customer information is compared with a fraud control screening criteria and a sale limit is established, if the customer information matches information in a positive customer base. Therefore, Felger teaches away from the claimed feature of applying a fraud analysis rule if an outsort rule fires. Felger also teaches away from the use of Lawrence's risk quotient because Felger instead uses the conventional steps of setting sale limits (steps 1010 and 1025) that screen for frauds. Therefore, the combination of Felger and Lawrence is improper. Accordingly, claims 1, 18, 35, and 36 are each patentable over the combination of Felger and Lawrence.

Claims 2-17 and 19-34 depend from one of claims 1 and 18 and are each patentable over the combination of Felger and Lawrence for at least the same reasons that claims 1 and 18 are patentable over the cited references, considered singly or in combination. Furthermore, each of the claims 2-17 and 19-34 distinguishes over Felger and Lawrence by

reciting additional features in combination with the features that are recited in their respective base claims. Accordingly, claims 2-17 and 19-34 are each patentable over Felger-Lawrence combination.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

Applicant respectfully requests allowance of all pending claims.

CONTACT INFORMATION

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.

Date: February 26, 2008

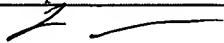
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